

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Frank Montgoris	Team: Squad #13	CCRB Case #: 201800059	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/20/2017 7:25 AM	Location of Incident: Northwest corner of Guy R. Brewer Boulevard and 134th Avenue; 113th Precinct stationhouse	Precinct: 113	18 Mo. SOL 6/20/2019	EO SOL 6/20/2019	
Date/Time CV Reported Sun, 12/24/2017 12:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 01/03/2018 11:08 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Kyle Bradley	30772	945861	113 PCT
2. POM Andre Edwards	24278	953837	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Bryan Cullen	02427	945363	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Andre Edwards	Discourtesy: At the intersection of 134th Street and Guy R. Brewer Boulevard, in Queens, Police Officer Andre Edwards spoke discourteously to § 87(2)(b)	
B.POM Andre Edwards	Abuse: At the intersection of 134th Street and Guy R. Brewer Boulevard, in Queens, Police Officer Andre Edwards threatened to damage § 87(2)(b)'s property.	
C.POM Kyle Bradley	Abuse: At the 113th Precinct stationhouse, Police Officer Kyle Bradley searched the vehicle in which § 87(2)(b) was an occupant.	
D.POM Kyle Bradley	Abuse: At the 113th Precinct stationhouse, Police Officer Kyle Bradley searched § 87(2)(b)'s recording device.	
E.POM Kyle Bradley	Abuse: At the 113th Precinct stationhouse, Police Officer Kyle Bradley deleted information on § 87(2)(b)'s electronic device	
§ 87(2)(g), § 87(4-b)		

Case Summary

§ 87(2)(b) filed this complaint with IAB on December 24, 2017, generating log number 17-50895. The CCRB received this case on January 3, 2018.

On December 20, 2017, PO Kyle Bradley and PO Andre Edwards stopped § 87(2)(b)'s vehicle at the intersection of Guy R. Brewer Boulevard and 134th Avenue, in Queens, for tinted windows. PO Edwards allegedly spoke discourteously to § 87(2)(b) and threatened to break § 87(2)(b)'s car window (**Allegation A: Discourtesy**, § 87(2)(g) **Allegation B: Abuse of Authority**, § 87(2)(g) § 87(2)(b) was arrested and charged with § 87(2)(b)

At the 113th Precinct stationhouse, PO Bradley conducted an inventory search of § 87(2)(b)'s vehicle (**Allegation C: Abuse of Authority**, § 87(2)(g) PO Bradley allegedly searched § 87(2)(b)'s recording device and allegedly deleted video of the incident from § 87(2)(b)'s vehicle recorder (**Allegations D and E: Abuse of Authority**, § 87(2)(g) § 87(4-b) § 87(2)(g) § 87(2)(b) recorded a portion of this incident with his cell phone. That footage, which was edited via Snag-It, is embedded below (Board Review 04).

Findings and Recommendations

Allegation A – Discourtesy: At the intersection of 134th Street and Guy R. Brewer Boulevard, in Queens, Police Officer Andre Edwards spoke discourteously towards § 87(2)(b)

Allegation B – Abuse of Authority: At the intersection of 134th Street and Guy R. Brewer Boulevard, in Queens, Police Officer Andre Edwards threatened to damage § 87(2)(b)'s property.

It is undisputed that § 87(2)(b)'s vehicle possessed tinted windows, and that § 87(2)(b) drove two blocks while the officers had their emergency lights on behind him. It is also undisputed that, after being stopped, § 87(2)(b) refused to comply with multiple commands issued to him.

§ 87(2)(b) alleged that, after the officers cut him off at the traffic light and exited their vehicle, PO Edwards approached the passenger side and attempted to open the front passenger's door unsuccessfully. § 87(2)(b) rolled his window down approximately a quarter of the way and asked PO Edwards what the matter was. PO Edwards responded, "Open up the fucking door." § 87(2)(b) asked why, and PO Edwards responded, "Because I said so." § 87(2)(b) refused to open the door, telling PO Edwards that it was an insufficient reason, and PO Edwards responded, "Ok. I'm going to break the fucking window." The officers ultimately opened the door and removed § 87(2)(b) from the vehicle, and placed him under arrest. § 87(2)(b) provided cell phone video to the investigation, but acknowledged that the recording began after PO Edwards's alleged statements (Board Review 01).

PO Edwards testified that, upon approaching § 87(2)(b)'s vehicle, he commanded § 87(2)(b) more than ten times to turn off the vehicle, take the keys out of the ignition, and roll his windows down. § 87(2)(b) refused to comply or respond to PO Edwards's commands, so PO Edwards informed § 87(2)(b) approximately five times that he was going to break his window, noting that he contemplated breaking § 87(2)(b)'s window for the officers' safety since he did not know who or what was inside § 87(2)(b)'s vehicle because of the tinted windows. PO Edwards did not recall telling § 87(2)(b) "I'm going to break the fucking window," or, "Open

up the fucking door,” and did not recall using any profanity towards § 87(2)(b) (Board Review 02).

PO Bradley stated that both he and PO Edwards told § 87(2)(b) to roll down his window multiple times, but § 87(2)(b) refused to fully comply with the officers’ command, only slightly rolling down his window enough for the officers to see the brim of his hat. PO Bradley did not recall hearing PO Edwards tell § 87(2)(b) “Open up the fucking door,” or, “I’m going to break the fucking window.” PO Bradley did not recall if PO Edwards used profanity towards § 87(2)(b) (Board Review 03).

The cell phone video of the incident, which lasts five minutes and three seconds, shows PO Bradley asking § 87(2)(b) three times to roll his window down all the way, and four times to turn his vehicle off, noting that he cannot see inside of the vehicle because of its tints. § 87(2)(b) is both seen and heard refusing to comply with PO Bradley’s commands (Board Review 04).



201800059_20180416_1524_DM.mp4

Officers must give due respect to property but may damage property if doing so is reasonably necessary to carry out their duties. Onderdonk v. New York, 170 Misc. 2d 155 (1996) (Board Review 05).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

Allegation C – Abuse of Authority: At the 113th Precinct stationhouse, Police Officer Kyle Bradley searched the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that PO Bradley vouchered § 87(2)(b)’s vehicle for safekeeping, and conducted an inventory search of the vehicle at the stationhouse.

Officers are required to conduct an inventory search of any property that comes into the custody of the police department. NYPD Patrol Guide, Section 218-13 (Board Review 10).

§ 87(2)(g)

[REDACTED]

[REDACTED]

§ 87(2)(g)

[REDACTED].

Allegation D – Abuse of Authority: At the 113th Precinct stationhouse, Police Officer Kyle Bradley searched § 87(2)(b) s recording device.

Allegation E – Abuse of Authority: At the 113th Precinct stationhouse, Police Officer Kyle Bradley deleted information on § 87(2)(b) s electronic device.

It is undisputed that, during the inventory search, PO Bradley observed § 87(2)(b) s vehicle recorder. It is also undisputed that PO Bradley initially attempted to voucher the recording device, but ultimately did not do so.

§ 87(2)(b) alleged in both his in-person statement and a follow-up phone call that he began recording the incident on his vehicle recorder, which was located on the dashboard of the vehicle, during the vehicle stop. After he was released the following day, he checked the vehicle recorder and observed that no video of the incident existed (Board Reviews 01 and 07).

PO Bradley testified that, while conducting an inventory search of § 87(2)(b) s vehicle, he decided to voucher the vehicle recorder because he determined it to likely be expensive. PO Bradley attempted to disconnect one part of the wire, but then observed that it was connected to the ignition. He noted that, because he was not certain of what he was doing, he decided to keep the recorder in the vehicle out of fear of potentially damaging it. PO Bradley denied knowing whether the device was recording at the time of the search, and denied deleting any video off of the device (Board Review 03).

PO Edwards stated that he also observed § 87(2)(b) s vehicle recorder. However, no action was taken by either officer with the recorder, and it was not vouchered, because it was attached by wire to the steering wheel and because the vehicle was going to be released with § 87(2)(b). PO Edwards denied seeing PO Bradley search the device or delete any video from the device (Board Review 02).

Sgt. Bryan Cullen, who was identified by PO Bradley as being present during the inventory search of § 87(2)(b) s vehicle, did not recall being present during the search and denied knowing of any officer searching a recording device or deleting a video from one on the date of the incident (Board Review 08).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- As of February 27, 2018, no Notice of Claim has been filed for this incident (Board Review 12).

Civilian and Subject Officer CCRB Histories

- This is the second CCRB complaint to which § 87(2)(b) has been a party, but has not been named a victim to any other allegations (Board Review 06).
- PO Bradley has been a member-of-service for ten years, and has been a subject in three CCRB complaints and five allegations, none of which have been substantiated. [REDACTED]
[REDACTED]
- PO Edwards has been a member-of-service for five years, and has been a subject in four CCRB complaints and 11 allegations, none of which have been substantiated. [REDACTED]
[REDACTED]

Squad No.: 13

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date

